

# KOHN & ASSOCIATES

Intellectual Property Law

May 21, 2001

KENNETH I. KOHN, Ph.D.  
AMY E. RINALDO<sup>†</sup>  
ANDREW M. PARIAL

<sup>†</sup>also admitted in Ohio**FACSIMILE TRANSMISSION:**

TO: United States Patent Office  
FAX # (703) 308-~~1202~~ 7751  
FROM: Amy E. Rinaldo  
RE: U.S. Serial No.: 09/499,553

2 page(s) including this cover page.

Original will follow by:

☐ Regular Mail  
☐ Overnight Mail  
☐ Courier  
☐ E-mail  
☒ Original Will Not Follow

**RECEIVED**

MAY 31 2001

TECH CENTER 1600/2900

If you do not receive all of the pages, please phone (248) 539-5050 as soon as possible.

**COMMENTS:**

Please see attached letter.

**CONFIDENTIALITY NOTICE**

The information constituting this facsimile transmission is attorney privileged and/or confidential information intended only for the use of the individual/entity named above. If you are not the intended recipient, or the employee responsible for the delivery to the intended recipient, be aware that any disclosure, copying, dissemination or use of the contents of this information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately and return the original document to us by mail.

# KOHN & ASSOCIATES

Intellectual Property Law

KENNETH I. KOHN, Ph.D.  
AMY E. RINALDO<sup>†</sup>  
ANDREW M. PARIAL

<sup>†</sup>also admitted in Ohio

May 21, 2001

**SENT VIA FACSIMILE**

Assistant Commissioner for Patents  
And Trademarks  
Washington, D.C. 20231

Re: United States CIP Serial No.: 09/499,553  
Filing Date: February 7, 2001  
Attorney Docket No. 0168.00079

RECEIVED  
MAY 31 2001  
TECH CENTER 1600/2900

Dear Clerk:

Please be advised that a Request for Corrected Filing Receipt dated March 28, 2001 was sent to your office. A Corrected Filing Receipt has not been received as of this date. My office made a telephone call inquiring about the same and was told that proof had to be sent regarding the change of the filing date. Therefore, attached please find a copy of the Request for Corrected Filing Receipt, together with an Official Communication from your office dated March 6, 2001, maintaining the February 7, 2000 filing date.

Please be advised that a PCT Request has been filed based on the above-captioned CIP application. I have spoken with the International Bureau regarding the PCT application filing date and was told that the filing date was given to them by the U.S. Patent Office and that we must notify the U.S. Patent Office to correct the filing date. The corrected filing receipt must be faxed to them no later than May 22, 2001.

Please make the corrections to the Filing Receipt and fax a Corrected Filing Receipt to our office.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

KOHN &amp; ASSOCIATES



Amy E. Rinaldo

AER/ch  
Enc.



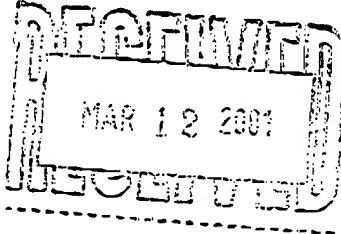
## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/499,553	<del>03/06/2001</del>	1643	410	0168.00079	16	9	2

2-7-2000

Kenneth I Kohn  
Kohn and Associates  
Suite 410  
30500 Northwestern Highway  
Farmington Hills, MI 48334



## FILING RECEIPT



\*OC00000005844669\*

Date Mailed: 03/09/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Louis Paul Deiss, Chicago, IL ;  
Fruma Yehiely, Chicago, IL ;  
~~Elena Limova, Chicago, IL ;~~  
~~Nora Cecilia Vasquez-Maslop, Oak Park, IL ;~~  
~~Pat Elmal, Ness-Ziona, ISRAEL;~~

keep

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/294,782 ~~04/19/1999~~

8 07/06/1999

## Foreign Applications

PCT/US97/20989 11/12/1997

If Required, Foreign Filing License Granted 03/08/2001

\*\* SMALL ENTITY \*\*

## Title

Gene Identification Method

## Preliminary Class

435

Practitioner's Docket No. 0168.00079

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Louis Paul Deiss, et al

Serial No.: 09/199,553

Group No.: 1643

Filed: 02/07/00

Examiner:

For: GENE IDENTIFICATION METHOD

Assistant Commissioner for Patents  
Washington, DC 20231

## REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data, which is:

incorrectly entered

and/or

omitted.

**Error in**

1. Applicant's name

2. Applicant's address

3. Title

4. Filing Date

5. Serial Number

6. Foreign/PCT Application Re:

7. Other

**Correct data**

1. Elena Efimova, Nora Cecilia Vasquez-Iaslop are deleted

2.

3.

4. 2/7/00

5.

6.

7. CIP of 09/284,782 filed 7/6/99;  
Drawings: 16

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

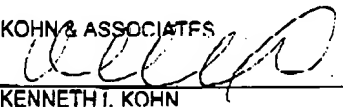
**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

  
Connie Henry**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

KOHN &amp; ASSOCIATES

  
KENNETH I. KOHN

Reg. No. 30,966

30500 Northwestern Highway, Suite 410

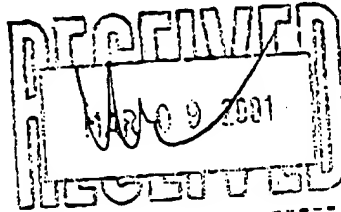
Farmington Hills, Michigan 48334

(248) 630-6050

Dated: March 28, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 7

**COPY MAILED****MAR 06 2001****OFFICE OF PETITIONS  
AC PATENTS****DECISION GRANTING  
PETITION IN PART**Kenneth I. Kohn  
Kohn and Associates  
Suite 410  
30500 Northwestern Hwy  
Farmington Hills, MI 48334In re Application of  
Deiss et al.  
Application No. 09/499,553  
Filed: February 7, 2000  
Attorney Docket No. 99-413

This is a decision on the petition filed March 23, 2000, to accord the above-identified application a filing date of February 4, 2000.

On February 7, 2000, the application was deposited.

On March 14, 2000, the Office of Initial Patent Examination mailed a Notice stating that the specification and Figures 1-2 of the drawings were missing and that a filing date would be accorded upon receipt of the missing items.

In response, the present petition was filed alleging that a specification and drawings were deposited with the original application.

The instant application is a continuation-in-part of U.S. National Phase patent application 09/234,782 which originated from PCT/US97/20989. Apparently, petitioner intended for the copy of the PCT application filed with the application to serve as the specification for the instant application even though the documentation filed on February 7, 2000, was ambiguous.<sup>1</sup> Due to the ambiguity, the petition fee of \$130 will not be refunded.

The petition states, "Applicant's representative respectfully requests that the filing date of February 4, 2000, be accorded." However, every other document filed by petitioner (including the new declaration and the header of the instant petition) shows the filing date as February 7, 2000. In addition, the papers in the file indicate that the original application was received on February 7, 2000. If petitioner wishes for a filing date other than February 7, 2000, then a petition under 37 CFR 1.10 should be filed.<sup>2</sup>

In view of the above, the petition is **granted** to the extent that the application will be accorded a filing date of February 7, 2000.

<sup>1</sup> In the future, if petitioner wishes to use a PCT application as a specification for another application, he may wish not to include the cover sheet and may wish to delete the heading on every page (i.e. PCT/US97/20989). The cover sheet and heading convey an intent that the pages are included solely as copies of the PCT application and not as new pages to be given a new application number. If papers are filed in the instant application with a number in the header, then the number should be the instant application number and not the number of a parent or grandparent application.

<sup>2</sup> It should be noted that the parent application issued as a patent on May 2, 2000. Therefore, the instant application, with a filing date of February 7, 2000, has copendency with the parent application.

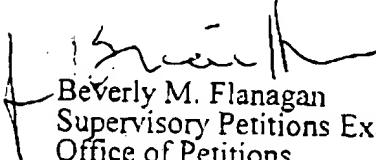
Application No. 09/499,553

Page 2

The Notice mailed March 14, 2000, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 7, 2000, using the application papers filed on February 7, 2000, including the papers labeled as a PCT application (PCT/US97/20989).

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

---